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Promotion and protection of the rights of children**Status of the Convention on the Rights of the Child****Report of the Secretary-General****Contents**

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* A/53/150.



Introduction

1. The General Assembly, by its resolution 44/25 of 20 November 1989, adopted the Convention on the Rights of the Child. The Convention was opened for signature in New York on 26 January 1990 and entered into force on 2 September 1990, the thirtieth day after the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

2. On 12 December 1998, the General Assembly adopted resolution 52/107 entitled "The Rights of the Child", in which it tackled the issues of the implementation of the Convention on the Rights of the Child: children with disabilities; the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography; the protection of children affected by armed conflict; refugee and internally displaced children; the elimination of the exploitation of child labour; and the plight of children living and/or working on the streets. It requested the Secretary-General to submit to the General Assembly at its fifty-third session a report containing information on the status of the Convention on the Rights of the Child and the problems addressed in resolution 52/107.

Status of the Convention on the Rights of the Child

3. As at 1 August 1998, the Convention had been ratified or acceded to by 191 States. In addition, one State had signed the Convention. (For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see A/52/348, annex.)

Implementation of the Convention on the Rights of the Child

4. The Commission on Human Rights, at its fifty-fourth session, adopted resolution 1998/76 of 22 April 1998, in which it welcomed the role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation; called upon States parties to accept the amendment to paragraph 2 of article 43 of the Convention, and called upon States parties and organs and bodies of the United Nations as well as intergovernmental and non-governmental

organizations, the media and the community at large to make the principles and provisions of the Convention widely known and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights; decided to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention and requested the Office of the High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action.

5. The Committee on the Rights of the Child held its sixteenth, seventeenth and eighteenth sessions at the United Nations Office at Geneva from 22 September to 10 October 1997, 5 to 23 January 1998 and 18 May to 5 June 1998, respectively (for the reports of the Committee on these sessions, see CRC/C/69, CRC/C/73 and CRC/C/75).

6. The United Nations Children's Fund (UNICEF) continues to provide support to States parties at all stages of the implementation and reporting process. An in-built child rights thrust is now evident in most country programmes and projects. Country offices actively advocate for legislative reform and offer technical assistance in the drafting of new laws and constitutional amendments to bring national law into conformity with the Convention. In January 1998, UNICEF also launched the *Implementation Handbook for the Convention on the Rights of the Child*, a practical tool which records the interpretation of the Committee on the Rights of the Child in relation to its examination of reports of States parties. UNICEF has placed increased emphasis on the fulfilment of article 29, the right to education, focusing on improving access to education for all. This will be reflected in the 1999 State of the World's Children report, which will specifically address education. UNICEF organizes an Education for Development programme, aimed at helping young people develop democratic values such as global solidarity, anti-racism, peace, tolerance and social justice. It has also supported initiatives to promote children's participation, which have focused on the parliamentary process, including children's elections and parliaments.

Children with disabilities

7. At its sixteenth session, the Committee held a general discussion on the issue of children with disabilities. The

thematic discussion was organized around the following three main topics: the right of children with disabilities to life and development; self-representation and participation of children with disabilities; and the entitlement of such children to inclusive education. The discussion day attracted a record attendance of about 100 representatives from various United Nations organs and bodies (including the Special Rapporteur on Disability of the Commission for Social Development) and specialized agencies, non-governmental organizations, research institutions, individual experts and children, including disabled children. It generated a lively debate, centred on ways to challenge the widespread abuse of the fundamental rights of disabled children, through the promotion of a process of participation and inclusion.

8. Protection underscores the UNICEF-backed initiatives to prevent childhood disability. Efforts are currently being made to: (a) prevent disabilities among 20 per cent of the child population who are hardest to reach; (b) prevent disabilities, trauma and injuries from landmines and protect children at risk in countries affected by armed conflict; (c) prevent birth-related trauma and injuries and brain damage; and (d) ensure and sustain preventive health and nutrition measures for the care and development of the young child. UNICEF is assisting States parties in taking the necessary measures to protect the human rights and fundamental freedoms of children with disabilities by raising awareness of disability issues among intergovernmental and non-governmental organizations, etc., providing information and guidelines and highlighting areas for reform. In order to promote an integrated approach, ensuring the active participation of disabled children in all aspects of life but particularly in education, UNICEF is strengthening its capacity to support innovative community-based rehabilitation projects.

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

9. The Commission on Human Rights in its resolution 1998/76 welcomed the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calceta Santos (E/CN.4/1998/101 and Add.1 and 2), which contained a general overview of the latest developments at the national and international levels on the themes under her mandate, and focussed on the role of the media and of education in the prevention of the

problem of commercial sexual exploitation of children and in the assistance, rehabilitation and reintegration of the child victims; it also decided to request the working group on draft optional protocol on the sale of children, child prostitution and child pornography to meet for a maximum of two weeks prior to the next session of the Commission and redouble its efforts with the aim of finalizing the draft by the tenth anniversary of the Convention.

10. In accordance with the request of the General Assembly for States to implement measures in line with the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (A/51/385, annex), UNICEF has supported country-level activities leading towards the development of national plans of action. UNICEF is collaborating in a number of countries to address commercial sexual exploitation with specific emphasis on trafficking of women and children, and the problem of sex tourism. UNICEF also supports an initiative aimed at creating an international framework for legislation to protect women and children from commercial sexual exploitation as well as capacity-building efforts in the area of psychosocial care and reintegration of child victims.

Protection of children affected by armed conflict

11. The appointment for three years of the Special Representative of the Secretary-General on the impact of armed conflict on children was welcomed by the Commission on Human Rights, which also decided to request the working group on the draft optional protocol on the involvement of children in armed conflicts to meet in early 1999, primarily to consider the Chairman's report on the status of informal consultations to be held with the aim of promoting an early agreement and to request the working group to meet for a maximum of two weeks if the group decides that an agreement on the draft optional protocol is possible at the fifty-fifth session of the Commission.

12. UNICEF is acting as a catalyst in efforts to ensure the adoption of the Optional Protocol on raising the age limit for recruitment. UNICEF is supporting projects on the prevention of the recruitment of children in armed conflict, the demobilization of ex-child soldiers, the reunification of children separated from their family and the protection and psychosocial reintegration of children affected by armed conflict and organized violence. Central to all UNICEF's activities in this area is the inclusion of respect for child rights within emergency and humanitarian policies and programmes. UNICEF is fully committed to: (a) ratification

of the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction; (b) mine awareness and education through the production of an animated film and comic books on the danger of landmines; and (c) programmes of national and international non-governmental organizations and local governments on the physical and psychosocial rehabilitation of landmine survivors. In relation to child soldiers, UNICEF is currently developing strategies to prevent the recruitment of children, including improving access to alternative services, such as education and vocational training and access to income-generating activities, for children most at risk of recruitment. The physical and psychological well-being of children during and after armed conflict is also a priority for UNICEF. In this regard, UNICEF is developing strategies to prevent family separation and to support family reunification, as well as psychosocial interventions in a number of countries.

13. As regards refugee and internally displaced children, the policy on refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR), applicable to all persons of concern to the Office under 18 years of age, acknowledges that the Convention on the Rights of the Child serves as UNHCR's "normative frame of reference". The consequential revision of the guidelines on refugee children, the handbook *Refugee Children: Guidelines on Protection and Care*, adopts a human rights perspective using the articles in the Convention to set UNHCR's standards. Similarly, the "Action for the Rights of Children" (ARC) training and capacity-building initiative on behalf of refugee children and adolescents, which is a collaborative effort between UNHCR and the International Save the Children Alliance, adopts the framework of the Convention in its series of training modules. The protection and care of children in times of armed conflict remains a high priority for UNHCR. UNHCR is often the first to respond to emergencies and is therefore in a unique position to exercise leadership regarding humanitarian assistance to displaced children. UNHCR has formulated a wide-ranging strategy to implement the recommendations of the Machel study (A/51/306), concentrating on five key areas: under-aged military recruitment, sexual exploitation, education, separated minors and adolescents. Four new Regional Policy Officers (Children) have been deployed in critical regions – Central Asia, the Commonwealth of Independent States (CIS), the Horn of Africa and West Africa – to help the field operations with needs assessments and protection-based programme innovations. UNHCR, in collaboration with UNICEF and non-governmental organizations, also

continues to make strides in improving its efforts on behalf of separated refugee children. Indeed, owing to the special vulnerability of unaccompanied minors, UNHCR gives priority to programmes for family tracing and reunification, and greater attention is given to separated minor asylum-seekers, training for field staff on protection and programming for separated children, the establishment of regional networks for tracing and reunification, and increased focus on community-based care for separated children. To assist in the proper implementation of age-appropriate status determination procedures and the identification of durable solutions, UNHCR also issued guidelines in 1997 on policies and procedures in dealing with unaccompanied children seeking asylum.

Elimination of the exploitation of child labour

14. The exploitation of child labour has been a matter of deep concern to the international community for many years and various measures have been envisaged to guarantee the right of the child to be protected from economic exploitation and from performing work likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The Commission on Human Rights in its resolution 1998/76 welcomed measures taken by Governments to eliminate the exploitation of child labour and the efforts of the Committee on the Rights of the Child in the area of child labour.

15. The number of countries which have ratified International Labour Organization (ILO) Convention No. 138 on Minimum Age has increased to 64; the number of ratifications of ILO Convention No. 29 on Forced Labour has increased to 146. To complement the existing international labour standards, ILO member States, at the International Labour Conference held in June 1998, discussed the issue of child labour with a view to establishing new international instruments aimed at the prohibition and immediate elimination of the worst forms of child labour, which should comprise:

(a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;

(b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) The use, procuring or offering of a child for illegal activities, in particular for the production and trafficking of drugs;

(d) Any other type of work or activity which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children.

16. The need for tripartite consultation at all levels of implementation of the Convention on the Rights of the Child was stressed, as was the importance of effective enforcement, including penal and other sanctions; monitoring mechanisms; programmes of action; and time-bound measures to prevent children from engaging in the worst forms of child labour, to remove them from these situations and to offer appropriate rehabilitation and social reintegration through, among other things, access to free basic education. ILO member States were also called upon to assist one another in giving effect to the provisions of the Convention through international cooperation or assistance. At the end of the Conference, a resolution was adopted to place this item on the agenda of the next session, in June 1999, with a view to adopting a Convention and Recommendation on the subject.

17. The International Programme on the Elimination of Child Labour (IPEC) provides ILO with an operational arm to assist countries in formulating national policies on child labour in line with international standards and to build the national capacity to combat child labour. IPEC has drawn strength and inspiration not only from ILO Conventions but also from the work of the United Nations system in general. It is an action-oriented programme and its priority is to prevent child labour, withdraw children from work and provide alternatives to them and their families. The programme's operational approach is multi-sectoral and broad-based: motivating a broad alliance of partners; carrying out situational analyses; assisting in the development and implementation of national policies; strengthening existing organizations and setting up institutional mechanisms; creating awareness on the problem; promoting the development and application of protective legislation; and replicating and expanding successful projects into programmes of partners. IPEC is active in over 50 countries and is implementing programmes in Africa, Asia and Latin America and the Caribbean. The programme has also been active at the global and regional levels, organizing and participating in important child labour conferences and undertaking ground-breaking work in the areas of research and statistics. IPEC activities are increasingly focusing on the elimination of hazardous and the worst forms of child labour on a priority basis.

18. UNICEF is continually strengthening its partnerships with ILO and the World Bank in the area of child labour. In order to assist Governments in implementing their international obligations to eliminate child labour, UNICEF has been instrumental in formulating national action plans. As a result, UNICEF, with the financial support of the Government of Norway, will be able to embark on a global programme of action focused in a number of strategic countries. As recognized by the General Assembly, education must play a key role in the global strategy against child labour. UNICEF has therefore used education grants to help reduce drop-out rates; supported community-based primary education projects and provided educational alternatives for working children.